#### Office of Administrative Review

## Claim Accuracy Request Pilot Job Aid for Representatives

#### **Purpose**



This Job Aid provides guidance to representatives who are accredited to prepare, present and prosecute claims for VA benefits and wish to submit Claim Accuracy Requests (CARs). VA is launching Phase III of the CAR pilot program to allow representatives to request an expeditious review and determination in accordance with the Appeals Modernization Act. The guidance contained within this job aid is effective October 1, 2022 and supersedes all previous CAR job aids.

#### **Audience**

All VA-accredited representatives designated by individuals to prepare, present, and prosecute their claims for VA benefits

#### References



- VA Form 20-0996, Decision Review Request: Higher-Level Review
- 38 CFR 3.2601, Higher-level review
- M21-1, Part III, Subpart ii, Chapter 5, Section A, Topic 1, Jurisdiction of Claims, Blocks b and c (III.ii.5.A.1.b and c)
- Claim Accuracy Request Pilot Standard Operating Procedure

#### Instructions

When a prior compensation or pension related decision contains an obvious and significant error/omission that requires a new decision:



- Representatives must submit a CAR on VA Form 20-0996,
   Decision Review Request: Higher-Level Review, with the phrase "Claim Accuracy Request" or "CAR" prominently noted within the application
- Representatives must submit a CAR within 30 days of the Veterans' decision notification letter.

1

## Office of Administrative Review Claim Accuracy Request Pilot

Claim Accuracy Request Pilot Job Aid for Representatives

Claim Accuracy Request

OMB Control No. 2900-0862
Respondent Burder: 15 minute
Expiration Date: 4/30/2024

VA DATE STAMP
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INSTRUCTIONS: Before completing this form, read the Privacy Act and Respondent Burden on page 5.
Use this form to request a Higher-Level Review of a decision you received. A Higher-Level Review is a new review of an issue(s) previously decided by VA based on the evidence of record at the time of the prior decision. For more information call us toil-free at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the Federal relay number is 711. VA forms are available at <a href="https://www.va.gov/vaforms">www.va.gov/vaforms</a>.

SECTION I - VETERAN'S IDENTIFICATION INFORMATION

NOTE: You may complete the form online or by hand. If completed by hand, print the information requested in ink, neatly and legibly, insert one letter per box, and completely fill in each applicable circle to help expedite processing of the form.

1. VETERAN'S NAME (First, Middle Initial, Last)

- Informal conferences will not be allowed for eligible CAR submissions. When a CAR is found to be ineligible, it will be processed as a non-expedited HLR and an informal conference will be allowed as part of that process.
  - Should you wish to have the informal conference opportunity, complete Section IV, Optional Informal Conference for VBA to contact you in the event the CAR claim is deemed ineligible
- Specify the obvious error in Part VI, Issues for Higher-Level Review, or on a separate page
  - Describe the alleged error(s) of fact or law with enough specificity to persuade the reviewer that the result would have manifested differently, but for the alleged error
  - Mere allegations disputing the judgment of decision makers are insufficient for a CAR
- Complete Part VII and VIII, Certification and Signature and Authorized Representative Signature
  - Upload the form to the Centralized Mail Portal, or mail it to Janesville according to current practice
  - VBA will review the CAR and will attempt to complete in an average of 30 days
- The CAR decision notice will:
  - Confirm if VBA found that the application contained a valid CAR

# Office of Administrative Review Claim Accuracy Request Pilot Job Aid for Representatives

 Contain standard decision review rights (VA Form 20-0998, Your Rights to Seek Further Review of Our Decision)

**Note:** If the application is not applicable to the CAR pilot program, provided all other HLR criteria is met, VA will continue to decide the claim as an HLR, without prioritized treatment.

#### **Important Reminders**

#### **Timelines**

Representatives will have 30-calendar days after the date of VBA decision notice to request a one-time, expedited CAR based on an obvious and significant error that requires a new decision.

If the CAR is received outside of the 30-calendar-day time limit, the claim will be processed as a normal HLR. A *CAR-Untimely* special issue will be added to the claim in the Veterans Benefits Management System (VBMS).

#### **CAR Criteria**



OAR will review a decision based on "obvious error of fact or law," which is an undisputable error that, by its significance, must change the decision affecting a compensation or pension award. Such CARs would include the erroneous removal of dependents, incorrect withholdings, missed issues, etc. Participants who simply disagree with the judgment of the decision maker, or the weight assigned to certain evidence, must contest the decision using the current review system.

Exclusions: VBA excludes from this pilot the following types of issues:

- Legacy appeals
- Blue Water Navy claims
- Nehmer issues
- Integrated Disability Evaluation System (IDES) claims
- Restricted Access Claim Center (RACC) claims
  - Restricted Access Claims Centers, etc.
- HLR decisions, and

# Office of Administrative Review Claim Accuracy Request Pilot Job Aid for Representatives

 Minor administrative or technical errors (such as misspellings, incorrect dates of service, etc.)

VBA will *not* accept a CAR of a CAR decision, or an HLR of a CAR. The CAR constitutes an expedited HLR, so no one may request an HLR immediately to contest a CAR decision.

Representatives cannot combine CARs and HLRs on the same form, regardless of the issues. Otherwise, VBA will process the entire form as an HLR. If an HLR and CAR are simultaneously requested for the same issue but using different forms, VBA will process the HLR but decline to process the CAR.

If a CAR is deemed ineligible for the CAR program because it did not qualify under the program, a *CAR-ineligible* special issue will be added to the claim in VBMS and will continue to be processed under normal HLR procedures.

Whether the decision is processed as a CAR or an HLR will be indicated in the notification letter and in VBMS.

#### **CAR Criteria Examples**

Scenario	Is the CAR Valid?	Why?
VBA decides a	Yes	The CAR was filed
supplemental claim,		within 30 days of
granting a 50% combined		notification. With all the
evaluation. Though		needed information of
dependency information is		record, VBA is
of record, VBA does not		obligated to add
add the Veteran's		dependents to the
dependents to the award.		award as a downstream
A CAR is requested 20		issue. Not doing so is
days after notification.		an obvious error that
		impacts payment.
An intent-to-file (ITF) is	Yes	The CAR was filed
received on March 1,		within 30 days.

#### Office of Administrative Review

## Claim Accuracy Request Pilot Job Aid for Representatives

2021. A 526EZ for a knee		Assuming the evidence
condition is received on		of record shows that
April 1, 2021. VBA grants		the date entitlement
service connection in a		arose was not later
decision dated April 21,		than the date the ITF
2021 with April 1, 2021 as		was received, the issue
the effective date. A CAR		of the effective date
is received on May 1,		reflects an "obvious
2021, noting that VA		error" in the decision
should have used the ITF		that impacts payment.
date as the effective date.		
VBA grants service	Yes	SMC at the
connection for two		housebound rate is a
conditions, one evaluated		downstream issue that
at 100% and the other at		should be inferred by
60%. However, the		the decision maker.
decision does not address		This is an "obvious
SMC at the statutory		error" by VA, and not a
housebound rate. A CAR		disagreement of
is filed within 30 days of		judgment.
notification of the		
decision, noting that SMC		
should have been granted		
as a downstream issue.		
VBA grants disability(ies)	Yes	DEA is a downstream
that are permanent and		issue that should be
totally disabling (rated		inferred by the decision
100-percent disabling		maker. This is an
based on the rating		"obvious error" by VA,
schedule or by reason of		and not a disagreement
individual unemployability		of judgment.
(IU)) but does not award		J G
Dependents Educational		
Assistance (DEA). A CAR		
is filed within 30 days of		
the notification requesting		
entitlement to DEA.		
VBA issues a decision on	No	CARs must be filed
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### Office of Administrative Review

## Claim Accuracy Request Pilot Job Aid for Representatives

an initial claim, denying service connection on April 20, 2021. The notification letter is dated April 21, 2021. The VSO files a CAR on June 15 <sup>th</sup> , 2021 citing several instances of in service of treatment for the condition and noting that VA failed to order an exam to consider a nexus.	No	within 30 days of the notification letter. In this case, the CAR is untimely. This was also not a valid CAR, because failures in the duty to assist do not constitute obvious errors that impact payment. The record is incomplete. Therefore, the CAR will be processed under normal HLR procedures.
VBA grants service connection for residual disabilities caused by exposure to ionized radiation but fails to recognize the date an ITF was received. A CAR is subsequently requested to correct the effective date.	No	Special mission issues, such as radiation exposure, are currently excluded from the CAR pilot. The request will be processed as an HLR.
VBA grants service connection for PTSD with an evaluation of 50%. A CAR is submitted within 20 days, noting that the evidence of record supported a higher evaluation.	No	Disagreements with the judgment of the decision maker, such as the weight assigned to the evidence of record, particularly when it pertains to subjective rating criteria, do not qualify for the CAR pilot.

Note: OAR provides this chart to illustrate CAR eligibility and non-eligibility. It is not intended as an all-encompassing list of possible scenarios.



